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PATENT  
ATTORNEY DOCKET NO.: 051354-5001-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Robert S. OSBAKKEN *et al.* )  
Application No.: 09/942,959 ) Group Art Unit: 1619  
Filed: August 31, 2001 ) Examiner: not yet assigned  
For: AEROSOLIZED ANTI-INFECTIVES, ANTI- )  
INFLAMMATORIES, AND DECONGESTANTS )  
FOR THE TREATMENT OF SINUSITIS )

Commissioner for Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing parts of Application (PTO-1533) mailed September 25, 2001.

A copy of the Notice To File Missing Parts Of Application-Filing Date Granted (Form PTO-1533) is enclosed.

2. Declaration Or Oath

No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney

The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

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3. English Translation of Non-English Language Papers

[ ] Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Fee Calculation

Basic Fee: Patent Application-\$740.00				\$740.00
	Number Filed	Number Extra	at a Rate of	
Total Claims	43 - 20 =	23	\$18.00 each=	+
Independent Claims	2 - 3 =	0	\$84.00 each=	+414.00
Multiple dependent claim(s), if any			\$280.00	+280.00
Missing Parts Surcharge Fee			\$130.00	+130.00
<b>SUB-TOTAL =</b>				1,564.00
Reduction by 1/2 for filing by a small entity				- 782.00
<b>SUB-TOTAL =</b>				782.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d)			\$130.00	+
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d)			\$130.00	+
<b>TOTAL FILING FEE =</b>				<b>\$782.00</b>

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

[ ] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 400.00	\$200.00
[ ] three months	\$ 920.00	\$460.00
[ ] four months	\$1,440.00	\$720.00
[ ] five months	\$1,960.00	\$980.00

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

[X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

6. Fee Payment

The total fee due is:	Application Filing Fee	370.00
	Excess Total Claims	207.00
	Multiple Dependency fee	140.00
	Missing Parts Surcharge	65.00
Total Fee Due		<u><b>\$782.00</b></u>

[X] Enclosed is a check in the amount of \$782.00 representing the total fee due.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

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7. Additional papers enclosed.
- [ ] Preliminary Amendment  
 Information Disclosure Statement  
 Form PTO-1449  
[ ] Citations  
[ ] Declaration of Biological Deposit  
[ ] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
\_\_\_\_\_  
Sally P. Teng  
Reg. No. 45,397

Date: November 20, 2001

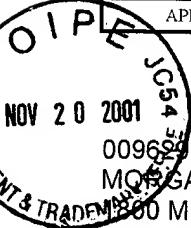
**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
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# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/942,959	08/31/2001	Robert S. Osbakken	051354-5001-1-US



009654  
MORGAN, LEWIS & BOCKIUS  
300 M STREET NW  
WASHINGTON, DC 20036-5869

**CONFIRMATION NO. 7962**  
**FORMALITIES LETTER**



\*OC00000006789598\*

Date Mailed: 09/25/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

#### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$684.
  - \$414 for 23 total claims over 20.
  - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1524.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/21/2001 SFLEKE1 00000042 09942959

01	FC:201
02	FC:203
03	FC:204
04	FC:205